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EXAMINER

LINDSEY, MATTHEW S

ART UNIT

PAPER NUMBER

2151

NOTIFICATION DATE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/814,119	Applicant(s) OYAMA ET AL.	
	Examiner MATTHEW S. LINDSEY	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/5/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-39 are pending in this application. Claims 1, 5, 23, 25, 32, 35-36, and 38-39 are amended as filed on 3/5/2008.

Claim Objections

2. Claims 32, 35, and 36 are objected to because of the following informalities: the claims state: "(previously presented)", when they should state: "(Currently amended)". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 5, 17-19, 21, 28, 32-33, and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Dureau (US 2003/0135860 A1).**

5. With respect to Claim 1, Dureau discloses: “A data transmission apparatus (Figure 3, object 340 is capable of receiving and transmitting data) comprising:

a data generator that generates data transmitted to a data reception apparatus (Figure 1, sources 13-15, 18-19, [0025], lines 3);

a data analyzer that analyzes data received from the data reception apparatus ([0033], lines 27-29);

a transmitter/receiver that transmits and receives data to and from the data reception apparatus ([0042], lines 3-4); and

an individual compatibility information storage in which is stored a first function identification table ([0043], lines 10-13) with reference to which data communication functions used to perform data communication with the data reception apparatus are identified respectively for individual items of specific data with which the data reception apparatus permits itself to be identified ([0043], lines 10-13),

wherein, when the specific data is fed through the data transmitter/receiver to the data analyzer ([0047], lines 3-4), with reference to the first function identification table in the individual compatibility information storage, the data communication functions recognized from the specific data are identified and are brought into effect so that the data transmission apparatus is brought into a state communicable with the data reception apparatus that has transmitted the specific data thereto ([0047], lines 4-22) and

wherein, based on an occasion the data communication functions used to perform data communication with the data reception apparatus does exist in the

individual compatibility information storage ([0047], lines 12-14, and 21-22, Fig 6, steps 610 and 612 where it is determined that the format is supported, or the format to communicate with the reception apparatus does exist in the compatibility information storage), the data transmission apparatus performs function changing to suit the data communication functions used to perform data communication with the data reception apparatus ([0047], lines 21-22, where the format is supported, and then the data is transcoded) and on completion of the function changing (Fig 6, steps 612 and 614, where, when transcoding is required, data is conveyed after it is transcoded, [0047], lines 21-22), transmits a function change completion signal to the data reception apparatus indicating the function changing is complete ([0047], lines 21-22, where data is transcoded and conveyed, and as shown by Fig 6, steps 612, and 614, transcoding takes place before conveying, hence by conveying the information it is inherent that function changing, or transcoding, is complete) and transmission of data is possible ([0034], lines 10-11, where each device may support TCP, and it is well known that when initializing a connection in TCP communications a three way hand shake is used with a SYN packet to initialize connection, indicating transmission is possible)".

6. With respect to Claim 5, Dureau discloses: "A data transmission apparatus (Figure 3, object 340 is capable of receiving and transmitting data) comprising:
a data generator that generates data transmitted to a data reception apparatus (Figure 1, sources 13-15, 18-19, [0025], lines 3-5);

a data analyzer that analyzes data received from the data reception apparatus ([0033], lines 27-29);

a decryption section (Col. 12, lines 10-11, specifically the encryption/decryption engine) to decrypt data received from the data reception apparatus (Col. 12, lines 10-11, where the encrypted packets are processed by the encryption/decryption engine);

a transmitter/receiver that transmits and receives data to and from the data reception apparatus ([0042], lines 3-4); and

an individual compatibility information storage in which is stored a first function identification table ([0043], lines 10-13) in which are recorded data communication functions corresponding respectively to individual codes contained in function data with which the reception apparatus permits data communication functions used for communication therewith to be identified ([0044], lines 9-13),

wherein, when the specific data is fed through the data transmitter/receiver to the data analyzer ([0047], lines 3-4), with reference to the first function identification table in the individual compatibility information storage, the data communication functions recognized from the codes contained in the function data are identified and are brought into effect so that the data transmission apparatus is brought into a state communicable with the data reception apparatus that has transmitted the specific data thereto ([0047], lines 4-22, in conjunction with the IDs of [0044], lines 9-13), and

wherein, based on an occasion the data transmission apparatus receives a high-frequency signal which is not encrypted from the data reception apparatus, the high-frequency signal is converted to a data packet ([0034], lines 1-15, where some devices

can only communicate via high frequency signals, lines 5-7, and others support packet based communication, lines 10-12, and the receiver may offer transcoding required for devices to communicate with each other or the internet, lines 12-15) and the decryption section confirms that the data packet was not encrypted and does not subject the data packet to decryption ([0034], lines 10-15, where a device may protocols that are not encrypted, such as HTTP, and it is inherent to function that the receiver will not subject packets arriving through unencrypted protocols to decryption), and

wherein the data packet is analyzed by the data analyzer to identify the data communication functions ([0044], lines 9-13)".

7. With respect to Claim 17, Dureau discloses: "The data transmission apparatus according to claim 1" but does not disclose: "wherein the data exchanged with the data reception apparatus is copyrighted data ([0004], lines 8-9 "television programs" are copyrighted data), and the data communication functions that are changed include a copyright encrypting method used by the data generator ([0035], lines 1-4 and 8-10, where for example the data is in the proprietary format of "Windows Media Player" (line 4), which includes support for optional encryption methods, these encryption methods may be removed or converted when transcoding the data to a different format, as per lines 8-10)".

8. With respect to Claim 18, Dureau discloses: "The data transmission apparatus according to claim 1, wherein the data exchanged with the data reception apparatus is

AV data ([0035], lines 1-2), and the data communication functions that are changed include at least one of data formats used by the data generator as corresponding to a compression method, a resolution, a bit rate, and a frame rate of a video signal in the AV data ([0035], lines 8-10, and lines 13-15, it is well known in the art that data formats “MPEG 1, 2 or 4” [0035], line2, include audio and visual data encoded in different compression methods, resolutions, bit rates and frame rates)”).

9. With respect to Claim 19, Dureau discloses: “The data transmission apparatus according to claim 1, wherein the data exchanged with the data reception apparatus is AV data ([0035], lines 1-2), and the data communication functions that are changed include at least one of data formats used by the data generator as corresponding to a compression method and a bit rate of an audio signal in the AV data ([0035], lines 8-10, and lines 13-15, it is well known in the art that data formats “MPEG 1, 2 or 4” [0035], line2, include audio and visual data encoded in different compression methods and bit rates)”).

10. With respect to Claim 21, Dureau discloses: “The data transmission apparatus according to claim 1, wherein the data communication functions that are changed include a data format used by the data analyzer to analyze the data received from the data reception apparatus in the transmitter/receiver ([0035], lines 8-10)”).

11. With respect to Claim 28, Dureau discloses: “A data communication system (Abstract, lines 1-3) comprising: the data transmission apparatus according to claim 1 (see Claim 1 rejection above); and the data reception apparatus that performs data communication with the data transmission apparatus ([0033], lines 9-13), wherein, when the data transmission apparatus performs data communication with the data reception apparatus, the data communication functions compatible with the data reception apparatus are used ([0035], lines 10-13)”.

12. With respect to Claim 32, Dureau discloses: “A data transmission apparatus (Figure 3, object 340 is capable of receiving and transmitting data) comprising: a data generator (Figure 1, sources 13-15, 18-19, [0025], lines 3); a transmitter/receiver for transmitting data and receiving data from a data reception apparatus ([0042], lines 3-4); a data analyzer that analyzes data received from the data reception apparatus ([0033], lines 27-29); and an individual compatibility information storage storing a first function identification table ([0043], lines 10-13) including a first plurality of data communication protocols ([0042], lines 5-15) and at least two identifiers associated with at least two of the first plurality of data communication protocols ([0042], lines 5-15, the registration of the device with the receiver is performed so the configuration details do not have to be checked upon receiver start up, [0042], lines 17-19, inherently using something to identify the configuration details); wherein, when a first identifier is received by the data analyzer, and the first identifier is one of the at least two identifiers stored in the first function identification table, the data transmission apparatus uses the protocol

associated with the first identifier to transmit data ([0042], lines 15-17) directly to data receiving apparatus ([0044], lines 16-18) using the protocol that conforms to the protocol of the data receiving apparatus ([0042], lines 3-10)".

13. With respect to Claim 33, Dureau discloses: "The data transmission apparatus according to claim 32 wherein said at least two identifiers identify a first and a second data reception apparatus ([0043], lines 10-13, figure 4, objects 320A-H)".

14. With respect to Claim 36, Dureau discloses: "A data reception apparatus ([0033], lines 9-12) comprising: a data generator ([0033], lines 9-15, the devices 352A-E include a video camera 352B which generates data by recording audio/visual information); a transmitter/receiver for transmitting data and receiving data from a data transmission apparatus ([0034], lines 1-4); an encryption section to encrypt data to be transmitted to the data transmission apparatus ([0034], lines 10-15, where a device may support SSL, which encrypts information, and thus the device must have an encryption section); a data analyzer that analyzes data received from the data transmission apparatus ([0033], lines 17-18); and a specific data storage ([0042], lines 17-19) in which is stored a code indicative of a data communication protocol used by the data reception apparatus ([0042], lines 5-15, the registration of the device with the receiver is performed so the configuration details do not have to be checked upon receiver start up, [0042], lines 17-19, inherently using something to identify the configuration details), said data storage code being transmitted without being encrypted by the encryption section ([0034], lines

10-15, where the device may support protocols with encryption or without, and the data sent to the receiver can be sent through either protocol, being encrypted or unencrypted) to the data transmission apparatus by the transmitter/receiver ([0042], lines 10-15)".

15. With respect to Claim 37, Dureau discloses: "A data reception apparatus according to claim 36 wherein the code uniquely identifies the data reception apparatus ([0043], lines 10-13, figure 4, objects 320A-H)".

16. With respect to Claim 38, Dureau discloses: "A method of transmitting data (Abstract, lines 1-3) comprising the steps of: providing a data transmission apparatus (Figure 3, object 340 is capable of receiving and transmitting data); providing a first function identification table ([0043], lines 10-13) including a first plurality of data communication protocols ([0042], lines 5-15) and at least one identifier associated with at least one of the plurality of data communication protocols ([0042], lines 5-15, the registration of the device with the receiver is performed so the configuration details do not have to be checked upon receiver start up, [0042], lines 17-19, inherently using something to identify the configuration details); receiving a first identifier from a data reception apparatus ([0042], lines 5-15, the registration of the device with the receiver is performed so the configuration details do not have to be checked upon receiver start up, [0042], lines 17-19, inherently using something to identify the configuration details); based on the occasion that the first identifier is stored in the first function identification

table, causing the data transmission apparatus to transmit data using the data communication protocol associated with the first identifier ([0042], lines 5-17) in order for the data receiving apparatus to directly receive data from the data transmission apparatus ([0044], lines 16-18) that conforms to the data communication protocol of the data receiving apparatus ([0042], lines 3-10)".

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2-3, 6-7, 9-10, 23, 25-27, 29-31, 34, 35, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau as applied to Claim 1, in view of Ludtke et al. (Patent No: US 6,233,611 B1).

19. With respect to Claim 2, Dureau discloses: "The data transmission apparatus according to claim 1, further comprising: a communication interface ([0038], lines 2-5, specifically "modem 316") that performs communication with a data communication administration server that administers ([0046], lines 8-11)" and "wherein, if it is recognized that the specific data received by the data transmitter/receiver is not registered in the first function identification table in the individual compatibility

information storage, the data transmission apparatus receives, through the communication interface, contents of the second function identification table stored for the data transmission apparatus itself in the data communication administration server, and updates the first function identification table therewith ([0046], lines 8-14)".

Dureau does not disclose: "for each data transmission apparatus, a second function identification table in which are registered, for each data reception apparatus with which the data transmission apparatus can communicate, the specific data of the data reception apparatus and the data communication functions identified based on the specific data".

However Ludtke discloses: "for each data transmission apparatus, a second function identification table in which are registered, for each data reception apparatus with which the data transmission apparatus can communicate, the specific data of the data reception apparatus and the data communication functions identified based on the specific data (Col. 3, lines 10-15)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Ludtke to include using a specific format to store specific data of devices. The motivation for this comes from choosing a method to store data in the server. Therefore by combining the data delivery method of Dureau with the specific method to store data of Ludtke one can access information on a server and be aware of how it is stored.

20. With respect to Claim 3, the combination of Dureau and Ludtke disclose: “The data transmission apparatus according to claim 2, wherein in the data communication administration server are stored software programs that respectively realize the individual data communication functions (Dureau, [0046], lines 8-14, where the “subunits 520A may comprise software modules or objects for performing transcoding functions” [0045], second Col., lines 3-5), and wherein, if it is recognized that any of the software programs that realize the data communication functions identified with reference to the first function identification table based on the specific data received by the transmitter/receiver is not present in the data transmission apparatus itself (Dureau, [0046], lines 8-9), the data transmission apparatus receives, through the communication interface, the software program from the data communication administration server, and brings into effect the data communication functions identified based on the specific data (Dureau, [0046], lines 8-14)”.

21. With respect to Claim 6, Dureau discloses: “The data transmission apparatus according to claim 5, further comprising: a communication interface ([0038], lines 2-5, specifically “modem 316”) that performs communication with a data communication administration server ([0046], lines 8-11)” and “wherein, if it is recognized that any of the codes contained in the function data received by the data transmitter/receiver is not registered in the first function identification table in the individual compatibility information storage, the data transmission apparatus receives, through the communication interface, contents of the second function identification table stored in

the data communication administration server, and updates the first function identification table therewith ([0046], lines 8-14)”

Dureau does not disclose: “that administers a second function identification table in which are registered the data communication functions assigned to all the codes contained in the function data”.

However Ludtke discloses: “that administers a second function identification table in which are registered the data communication functions assigned to all the codes contained in the function data (Col. 3, lines 10-15)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Ludtke to include using a specific format to store specific data of devices. The motivation for this comes from choosing a method to store data in the server. Therefore by combining the data delivery method of Dureau with the specific method to store data of Ludtke one can access information on a server and be aware of how it is stored.

22. With respect to Claim 7, the combination of Dureau and Ludtke disclose: “The data transmission apparatus according to claim 6, wherein in the data communication administration server are stored software programs that respectively realize the individual data communication functions ([0046], lines 8-14, where the “subunits 520A may comprise software modules or objects for performing transcoding functions” [0045], second Col., lines 3-5), and wherein, if it is recognized that any of the software programs that realize the data communication functions identified with reference to the

first function identification table based on the function data received by the transmitter/receiver is not present in the data transmission apparatus itself ([0046], lines 8-9), the data transmission apparatus receives, through the communication interface, the software program from the data communication administration server, and brings into effect the data communication functions identified based on the function data ([0046], lines 8-14)".

23. With respect to Claim 9, Dureau discloses: "The data transmission apparatus according to claim 5, wherein the transmitter/receiver receives, for each data reception apparatus, specific data with which the data reception apparatus permits itself to be identified and that differs from one data reception apparatus to another ([0042], lines 10-15, by registering the secondary device is permitting itself to be identified, and it is conceivable that two different secondary devices may register with different configuration data), wherein in the individual compatibility information storage is further stored a first apparatus table in which are registered the specific data of any data reception apparatus with which the transmission apparatus can communicate ([0042], lines 10-15, specific data includes configuration data), and wherein, when the specific data is fed through the transmitter/receiver to the data analyzer, with reference to the first apparatus table in the individual compatibility information storage, whether or not the data transmission apparatus can communicate with the data reception apparatus identified based on the specific data is checked ([0046], lines 2-11)".

24. With respect to Claim 10, Dureau discloses: “The data transmission apparatus according to claim 9, further comprising: a communication interface (Dureau, [0038], lines 2-5, specifically “modem 316”) that performs communication with a data communication administration server (Dureau, [0046], lines 8-11)” and “wherein, if it is recognized that the specific data received by the data transmitter/receiver is not registered in the first apparatus table in the individual compatibility information storage, the data transmission apparatus receives, through the communication interface, contents of the second apparatus table stored for the data transmission apparatus itself in the data communication administration server, and updates the first apparatus table therewith (Dureau, [0046], lines 8-14)”.

Dureau does not disclose: “that administers, for each data transmission apparatus, a second apparatus table in which are registered, for each data reception apparatus with which the data transmission apparatus can communicate, the specific data”.

However Ludtke discloses: “that administers, for each data transmission apparatus, a second apparatus table in which are registered, for each data reception apparatus with which the data transmission apparatus can communicate, the specific data (Col. 3, lines 10-15)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Ludtke to include using a specific format to store specific data of devices. The motivation for this comes from choosing a method to store data in the server. Therefore by combining the

data delivery method of Dureau with the specific method to store data of Ludtke one can access information on a server and be aware of how it is stored.

25. With respect to Claim 23, Dureau discloses: “A data reception apparatus ([0033], lines 9-12) comprising: a data analyzer that analyzes data received from a data transmission apparatus ([0033], lines 17-18); a data generator that generates data transmitted to the data transmission apparatus ([0033], lines 9-15, the devices 352A-E include a video camera 352B which generates data by recording audio/visual information); a transmitter/receiver that transmits and receives data to and from the data transmitting apparatus ([0034], lines 1-4)” and “wherein the specific data read out from the specific data storage is transmitted from the transmitter/receiver to the data transmission apparatus so that a data communication function compatible with the data receiving apparatus is identified and brought into effect in the data transmission apparatus so that the data transmission apparatus is brought into a state communicable with the data reception apparatus ([0042], lines 10-17) in order for the data receiving apparatus to directly receive data from the data transmission apparatus ([0044], lines 16-18) that conforms to the data communication function used to perform data communication with the data reception apparatus ([0047], lines 9-11)”.

Dureau does not disclose: “and a specific data storage in which is stored specific data with which the data reception apparatus permits itself to be identified”.

However Ludtke discloses: “and a specific data storage (Col. 6, lines 52-55) in which is stored specific data with which the data reception apparatus permits itself to be identified (Col. 3, lines 10-15)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Ludtke to include a specific data storage to store codes on the secondary devices. Motivation for this comes from Dureau, “In one embodiment, secondary devices 320 may register with receiver 12. This registration may include configuration information corresponding to a secondary device” [0042], lines 10-12. By combining these references, the secondary devices of Dureau have specific data storage, from Ludtke, on which to store the configuration data so they may register with the receiver.

26. With respect to Claim 25, Dureau discloses: “A data reception apparatus comprising: a data analyzer that analyzes data received from a data transmission apparatus ([0033], lines 17-18); a data generator that generates data transmitted to the data transmission apparatus ([0033], lines 9-15, the devices 352A-E include a video camera 352B which generates data by recording audio/visual information); an encryption section to encrypt data to be transmitted to the data transmission apparatus ([0034], lines 10-15, where a device may support SSL, which encrypts information, and thus the device must have an encryption section); a transmitter/receiver that transmits and receives data to and from the data transmitting apparatus ([0034], lines 1-4)” and “with which the data reception apparatus permits a data communication function that

needs to be used in communication therewith to be identified ([0042], lines 10-11), wherein the function data read out from the specific data storage is transmitted from the transmitter/receiver without being encrypted by the encryption section ([0034], lines 10-15, where the device may support protocols with encryption or without, and the data sent to the receiver can be sent through either protocol, being encrypted or unencrypted) to the data transmission apparatus so that the data communication function compatible with the data receiving apparatus is identified and brought into effect in the data transmission apparatus so that the data transmission apparatus is identified and brought into a state communicable with the data reception apparatus ([0042], lines 10-15 specifically state the “secondary devices may register with receiver 12.”, to register the device must communicate the information to the receiver using transmitter/receiver)”

Dureau does not disclose: “and a specific data storage in which is stored function data composed of codes”.

However Ludtke discloses: “and a specific data storage (Col. 6, lines 52-55) in which is stored function data composed of codes (Col. 3, lines 10-15)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Ludtke to include a specific data storage to store codes on the secondary devices. Motivation for this comes from Dureau, “In one embodiment, secondary devices 320 may register with receiver 12. This registration may include configuration information corresponding to a secondary device” [0042], lines 10-12. By combining these references, the secondary

devices of Dureau have specific data storage, from Ludtke, on which to store the configuration data so they may register with the receiver.

27. With respect to Claim 26, the combination of Dureau and Ludtke disclose: “The data reception apparatus according to claim 25 wherein in the specific data storage (Ludtke, Col. 6, lines 52-55) is also stored specific data that permits the data transmission apparatus itself to be identified and that differs from one data reception apparatus to another (Dureau, [0044], lines 9-10), and the specific data is transmitted along with the function data from the transmitter/receiver (Dureau, [0044], lines 11-13)”

28. With respect to Claim 27, the combination of Dureau and Ludtke disclose: “The data reception apparatus according to claim 26 wherein in the specific data storage (Ludtke, Col. 6, lines 52-55) is stored apparatus data composed of the specific data and the function data (Dureau, [0042], lines 10-15), and the apparatus data is transmitted from the transmitter/receiver (Dureau, [0042], lines 10-11, where registering with the receiver includes passing the configuration data)”.

29. With respect to Claims 29, the combination of Dureau and Ludtke disclose: “A data communication system (Dureau, Abstract, lines 1-3) comprising: the data reception apparatus according to claim 23; and the data transmission apparatus that performs data communication with the data reception apparatus (Dureau, [0033], lines 9-13), wherein, when the data transmission apparatus performs data communication with the

data reception apparatus, the data communication functions compatible with the data reception apparatus are used (Dureau, [0035], lines 10-13)".

30. With respect to Claim 30, the combination of Dureau and Ludtke disclose: "A data communication system (Dureau, Abstract, lines 1-3) comprising: the data reception apparatus according to claim 25; and the data transmission apparatus that performs data communication with the data reception apparatus (Dureau, [0033], lines 9-13), wherein, when the data transmission apparatus performs data communication with the data reception apparatus, the data communication functions compatible with the data reception apparatus are used (Dureau, [0035], lines 10-13)".

31. With respect to Claim 31, the combination of Dureau and Ludtke disclose: "A data communication administration server ([0046], lines 8-11) comprising: a communication interface that exchanges data with the data transmission apparatus according to claim 2; and a recording device for storing data transmitted from the communication interface to the data transmission apparatus ([0046], lines 8-14, for the internet site or broadcast station to offer subunits, which can be software modules ([0045], second Col., lines 3-5), it is implicit that there exists some recording device to store the software units offered)".

32. With respect to Claim 34, Dureau discloses: “The data transmission apparatus according to claim 32”. Dureau does not disclose “wherein said at least two identifiers do not uniquely identify a first and a second data reception apparatus.”

However, Ludtke discloses: “wherein said at least two identifiers (Col. 5, lines 59-61, two identifiers being “module name and the local ID”) do not uniquely identify a first and a second data reception apparatus (Col. 5, lines 59-61, where the two different identifiers from above, name and device ID, are common to the same device)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Ludtke to include an identification method where two identifiers are used to identify the same device. Motivation to combine these references comes from providing a device ID and a more human friendly name for each device. It has been long known in the art that devices identified by numbers (such as internet protocol addresses) are addressable by hostnames to make addressing the device more human friendly. Therefore by combining the data delivery system of Dureau with the identification method of Ludtke, one can address devices in a more human friendly way.

33. With respect to Claim 35, Dureau discloses: “The data transmission apparatus according to claim 32, further comprising: a communication interface ([0038], lines 2-5, specifically “modem 316”) for communicating with a data communication administration server ([0046], lines 8-11)” and “and at least one identifier associated with at least one of the second plurality of data communication protocols ([0042], lines 5-15, where it is

inherent that the communication protocol will be identified by some identifier, and since there are multiple protocols available, to differentiate there will be at least as many identifiers as protocols); wherein, based on an occasion that the first identifier received by the data analyzer is not one of the at least two identifiers stored in the first function identification table, the data transmission apparatus receives, through the communication interface, data from the second function identification table to update the first function identification table ([0046], lines 11-14)”

Dureau does not disclose: “storing a second function identification table”.

However Ludtke discloses: “storing a second function identification table (Col. 3, lines 10-15, and Col. 5, lines 46-51) including a second plurality of data communication protocols (Col. 3, lines 10-15, specifically “control protocols”)”

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Ludtke to include using a specific structure to store specific data of devices. The motivation for this comes from choosing a method to store data in the server. Therefore by combining the data delivery method of Dureau with the specific method to store data of Ludtke one can access information on a server and be aware of how it is stored.

34. With respect to Claim 39, Dureau discloses: “The method of claim 38 including the additional steps of: providing a data communication interface ([0038], lines 2-5, “modem 316”); providing a data communication administration server ([0046], lines 8-11)” and “and at least one identifier associated with at least one of the second plurality

of data communication protocols ([0042], lines 5-15, where it is inherent that the communication protocol will be identified by some identifier, and since there are multiple protocols available, to differentiate there will be at least as many identifiers as protocols); and based on an occasion that the first identifier is not stored in the first function identification table, communicating with the data communication administration server and updating the first function identification table with data from the second function identification table ([0046], lines 11-14)".

Dureau does not disclose: "storing a second function identification table including a second plurality of data communication protocols".

However, Ludtke discloses: "storing a second function identification table (Col. 3, lines 10-15, and Col. 5, lines 46-51) including a second plurality of data communication protocols (Col. 3, lines 10-15, specifically "control protocols")".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Ludtke to include using a specific structure to store specific data of devices. The motivation for this comes from choosing a method to store data in the server. Therefore by combining the data delivery method of Dureau with the specific method to store data of Ludtke one can access information on a server and be aware of how it is stored.

35. Claims 12-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau as applied to Claim 1 and 23 in view of Lai et al. (Patent No: US 6,407,680 B1).

36. With respect to Claim 12, Dureau does not disclose: “wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that consist of optimum operation conditions are selected”.

However, Lai teaches “wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that consist of optimum operation conditions are selected (Col. 9, lines 22-24)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau with the teachings of Lai to include selecting the optimal configuration. Motivation to combine these references comes from delivering the optimum configuration to devices that can support higher quality data, or to adjust for a lower speed network to decrease lag between requesting data and receiving data. Therefore by combining the data delivery methods of Dureau with the selection of optimum configuration of Lai, one can reduce transmission lag, or increase audio and visual quality where devices can support the increase.

37. With respect to Claim 13, Dureau does not disclose: “wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that

consist of operation conditions close to operation conditions selected by a user are selected”.

However Lai discloses: “wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that consist of operation conditions close to operation conditions selected by a user are selected (Col. 9, lines 38-39)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau with the teachings of Lai to include users selecting the optimal configuration. Motivation to combine these references comes from delivering the optimum configuration to devices that can support higher quality data, or to adjust for a lower speed network to decrease lag between requesting data and receiving data. Therefore by combining the data delivery methods of Dureau with the user selection of optimum configuration of Lai, one can reduce transmission lag, or increase audio and visual quality where devices can support the increase based on preferences.

38. With respect to Claim 14, Dureau does not disclose: “further comprising: an input section operated by a user, wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that are entered via the input section are selected”.

However, Lai discloses: “further comprising: an input section operated by a user (Col. 9, 38-39, it is implicit that there is some input where the user can make the appropriate adjustments), wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that are entered via the input section are selected (Col. 9, 38-39)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau with the teachings of Lai to include users selecting the optimal configuration. Motivation to combine these references comes from delivering the optimum configuration to devices that can support higher quality data, or to adjust for a lower speed network to decrease lag between requesting data and receiving data. Therefore by combining the data delivery methods of Dureau with the user selection of optimum configuration of Lai, one can reduce transmission lag, or increase audio and visual quality where devices can support the increase based on preferences.

39. With respect to Claim 15, Dureau does not disclose: “wherein in the individual compatibility information storage is stored a previous setting table in which are registered, for each data reception apparatus, the data communication functions that were set when communication was performed therewith last time, and wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions

that are registered in the previous setting table with respect to the data reception apparatus are selected”.

However, Lai discloses: “wherein in the individual compatibility information storage is stored a previous setting table in which are registered, for each data reception apparatus (Col. 9, lines 30-31), the data communication functions that were set when communication was performed therewith last time (Col. 9, lines 26-31), and wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that are registered in the previous setting table with respect to the data reception apparatus are selected (Col. 9, lines 33-37)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau with the teachings of Lai to include storing the optimal configuration. Motivation to combine these references comes from delivering the optimum configuration to devices that can support higher quality data, or to adjust for a lower speed network to decrease lag between requesting data and receiving data without having to set this configuration data each time audio/visual data is requested. Therefore by combining the data delivery methods of Dureau with the storing of optimum configuration of Lai, one can reduce transmission lag, or increase audio and visual quality where devices can support the increase on subsequent transmissions without having to select the configuration data multiple times.

40. With respect to Claim 16, Dureau does not disclose: “wherein, among a plurality of combinations of data communication functions for a single data reception apparatus, one combination is dealt with as basic data communication functions, and wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the basic data communication functions are selected”.

However Lai discloses: “wherein, among a plurality of combinations of data communication functions for a single data reception apparatus, one combination is dealt with as basic data communication functions, and wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the basic data communication functions are selected (Col. 9, lines 22-26, where tests run determine higher data quality is available, but only a slower network connection which would slow down transfer speeds, so a basic data quality may be selected)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau with the teachings of Lai to include selecting a basic configuration. Motivation to combine these references comes from delivering the basic configuration to devices that can support higher quality data yet have a low speed network where transmission of higher quality data is impractical. Therefore by combining the data delivery methods of Dureau with the selection of optimum configuration of Lai, one with a slower network can watch media of lower quality in a timelier manner than watching the high quality media.

41. With respect to Claim 20, Dureau does not disclose: “wherein the data communication functions that are changed include a data format used by the data generator as corresponding to an optimum packet data length in the data”.

However, Lai discloses: “wherein the data communication functions that are changed include a data format used by the data generator as corresponding to an optimum packet data length in the data (Col. 20, lines 65-67)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau with the teachings of Lai to include selecting an optimum packet data length. Motivation to combine these references comes from delivering data in a format that devices can support and being able to select multiple protocols. Therefore by combining the data delivery methods of Dureau with the selection of an optimum packet data length of Lai, devices which do not accept certain size packets will be able to communicate using their accepted packet sizes.

42. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau as applied to Claim 1, in view of Kamiya et al. (Patent No: US 6,144,887).

43. With respect to Claim 22, Dureau discloses: “The data transmission apparatus according to claim 1, wherein, when the data communication functions are being changed ([0028], lines 9-15)”. Dureau does not disclose: “shutting-down is prohibited”.

However, Kamiya discloses: "shutting-down is prohibited (Col. 3, lines 39-43, restarting involves power cycling, where power is turned off and then on)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau with the teachings of Kamiya to include preventative measures to stop restarts during updating. Motivation to combine these references comes from Kamiya in Col. 2, lines 25-36, specifically "it becomes impossible to carry out loading of the control program and so on with certainty". Therefore by combining the references the data delivery methods of Dureau with the restart blocking of Kamiya it becomes possible to load control programs with certainty.

44. Claims 4, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau in view of Ludtke as applied to Claims 3, 7, and 10, and further in view of Kamiya.

45. With respect to Claims 4, 8 and 11 the combination of Dureau and Ludtke do not disclose: "shutting down is prohibited when the data transmission apparatus is receiving the contents of the second function identification table or the software program from the data communication administration server, or when the data transmission apparatus is updating the first function identification table or the software program".

However, Kamiya discloses: shutting-down is prohibited (Col. 3, lines 39-43, restarting involves power cycling, where power is turned off and then on)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods and the storing of data in a specific structure of Dureau and Ludtke with the teachings of Kamiya to include preventative measures to stop restarts during updating. Motivation to combine these references comes from Kamiya in Col. 2, lines 25-36, specifically “it becomes impossible to carry out loading of the control program and so on with certainty”. Therefore by combining the references the data delivery methods and the storing of data in a specific structure of Dureau and Ludtke with the restart blocking of Kamiya it becomes possible to load control programs with certainty.

46. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau in view of Ludtke as applied to Claim 23, and further in view of Lai.

47. With respect to Claim 24, the combination of Dureau and Ludtke do not disclose: “an input section operated by a user, wherein, when a plurality of data communication function are provided, the data communication function that is entered via the input section is transmitted from the transmitter/receiver to the data transmission apparatus so as to notify the data transmission apparatus of the data communication function”. However Lai discloses: “further comprising: an input section operated by a user (Col. 9, 38-39, it is implicit that there is some input where the user can make the appropriate adjustments), wherein, when a plurality of data communication function are provided, the data communication function that is entered via the input section is transmitted from

the transmitter/receiver to the data transmission apparatus so as to notify the data transmission apparatus of the data communication function (Col. 9, lines 11-13)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods with specific data storage on the devices, of Dureau in view of the Ludtke with the teachings of Lai to include users selecting the optimal configuration. Motivation to combine these references comes from delivering the optimum configuration to devices that can support higher quality data, or to adjust for a lower speed network to decrease lag between requesting data and receiving data. Therefore by combining the data delivery methods with specific data storage on the devices, of Dureau in view of the Ludtke with the user selection of optimum configuration of Lai, one can reduce transmission lag, or increase audio and visual quality where devices can support the increase based on preferences.

Response to Arguments

48. Applicant's arguments, see pg 18, "Claim Rejection – 35 USC 102(e)", filed 3/5/2008 have been fully considered and are not persuasive. Applicant argues in the system of Dureau that: "Thus, the proxy receiver reformats the data every time for each receiving device" (pg 18, lines 21-22). However, Dureau discloses that if the data is in an acceptable format, it need not be transcoded, as shown by: "Generally speaking, if the data is already in the appropriate format, no transcoding will be required and the data will be conveyed without transcoding" ([0047], lines 9-11).

49. Applicant's arguments, see pg 19, "Claim 1 features not taught by Dureau", filed 3/5/2008 have been fully considered but they are not persuasive. Applicant argues Dureau does not teach or suggest amended limitations, however Dureau discloses: "that based on an occasion the data communication functions used to perform data communication with the data reception apparatus does exist in the individual compatibility information storage ([0047], lines 12-14, and 21-22, Fig 6, steps 610 and 612 where it is determined that the format is supported, or the format to communicate with the reception apparatus does exist in the compatibility information storage), the data transmission apparatus performs function changing to suit the data communication functions used to perform data communication with the data reception apparatus ([0047], lines 21-22, where the format is supported, and then the data is transcoded) and on completion of the function changing (Fig 6, steps 612 and 614, where, when transcoding is required, data is conveyed after it is transcoded, [0047], lines 21-22), transmits a function change completion signal to the data reception apparatus indicating the function changing is complete ([0047], lines 21-22, where data is transcoded and conveyed, and as shown by Fig 6, steps 612, and 614, transcoding takes place before conveying, hence by conveying the information it is inherent that function changing, or transcoding, is complete) and transmission of data is possible ([0034], lines 10-11, where each device may support TCP, and it is well known that when initializing a connection in TCP communications a three way hand shake is used with a SYN packet to initialize connection, indicating transmission is possible)".

50. Applicant's arguments, see pg 19, "Claim 5 features not taught by Dureau", filed 3/5/2008 have been fully considered but they are not persuasive. Applicant argues Dureau does not teach or suggest amended limitations, however Dureau discloses:

"a decryption section (Col. 12, lines 10-11, specifically the encryption/decryption engine) to decrypt data received from the data reception apparatus (Col. 12, lines 10-11, where the encrypted packets are processed by the encryption/decryption engine);

wherein, based on an occasion the data transmission apparatus receives a high-frequency signal which is not encrypted from the data reception apparatus, the high-frequency signal is converted to a data packet ([0034], lines 1-15, where some devices can only communicate via high frequency signals, lines 5-7, and others support packet based communication, lines 10-12, and the receiver may offer transcoding required for devices to communicate with each other or the internet, lines 12-15) and the decryption section confirms that the data packet was not encrypted and does not subject the data packet to decryption ([0034], lines 10-15, where a device may protocols that are not encrypted, such as HTTP, and it is inherent to function that the receiver will not subject packets arriving through unencrypted protocols to decryption), and

wherein the data packet is analyzed by the data analyzer to identify the data communication functions ([0044], lines 9-13)".

51. Applicant's arguments, see pg 20, "Claim 32 features not taught by Dureau", filed 3/5/2008 have been fully considered but they are not persuasive. Applicant argues Dureau does not teach or suggest amended limitations, however Dureau discloses: "directly to data receiving apparatus ([0044], lines 16-18) using the protocol that conforms to the protocol of the data receiving apparatus ([0042], lines 3-10)".

52. Applicant's arguments, see pg 20, "Claim 36 features not taught by Dureau", filed 3/5/2008 have been fully considered but they are not persuasive. Applicant argues Dureau does not teach or suggest amended limitations, however Dureau discloses:

"an encryption section to encrypt data to be transmitted to the data transmission apparatus ([0034], lines 10-15, where a device may support SSL, which encrypts information, and thus the device must have an encryption section);

and a specific data storage ([0042], lines 17-19) in which is stored a code indicative of a data communication protocol used by the data reception apparatus ([0042], lines 5-15, the registration of the device with the receiver is performed so the configuration details do not have to be checked upon receiver start up, [0042], lines 17-19, inherently using something to identify the configuration details), said data storage code being transmitted without being encrypted by the encryption section ([0034], lines 10-15, where the device may support protocols with encryption or without, and the data sent to the receiver can be sent through either protocol, being encrypted or unencrypted) to the data transmission apparatus by the transmitter/receiver ([0042], lines 10-15)".

53. Applicant's arguments, see pg 21, "Claim 38 features not taught by Dureau", filed 3/5/2008 have been fully considered but they are not persuasive. Applicant argues Dureau does not teach or suggest amended limitations, however Dureau discloses: "the data receiving apparatus to directly receive data from the data transmission apparatus ([0044], lines 16-18) that conforms to the data communication protocol of the data receiving apparatus ([0042], lines 3-10)".

54. Applicant's arguments, see pg 21, "Claim 23 features not taught by Dureau", filed 3/5/2008 have been fully considered but they are not persuasive. Applicant argues Dureau does not teach or suggest amended limitations, however Dureau discloses: "in order for the data receiving apparatus to directly receive data from the data transmission apparatus ([0044], lines 16-18) that conforms to the data communication function used to perform data communication with the data reception apparatus ([0047], lines 9-11)".

55. Applicant's arguments, see pg 22, "Claim 25 features not taught by Dureau", filed 3/5/2008 have been fully considered but they are not persuasive. Applicant argues Dureau does not teach or suggest amended limitations, however Dureau discloses: "an encryption section to encrypt data to be transmitted to the data transmission apparatus ([0034], lines 10-15, where a device may support SSL, which encrypts information, and thus the device must have an encryption section);

wherein the function data read out from the specific data storage is transmitted from the transmitter/receiver without being encrypted by the encryption section ([0034], lines 10-15, where the device may support protocols with encryption or without, and the data sent to the receiver can be sent through either protocol, being encrypted or unencrypted) to the data transmission apparatus so that the data communication function compatible with the data receiving apparatus is identified and brought into effect in the data transmission apparatus so that the data transmission apparatus is identified and brought into a state communicable with the data reception apparatus ([0042], lines 10-15 specifically state the “secondary devices may register with receiver 12.”, to register the device must communicate the information to the receiver using transmitter/receiver”).

56. Applicant's arguments, see pg 23, “Claim Rejection – 35 USC 103(a)”, filed 3/5/2008 have been fully considered but they are not persuasive. Applicant argues dependent claims are allowable based on deficiencies in the claims they depend from, however these deficiencies no longer exist.

Conclusion

57. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7:30-5, Fridays 7:30-1.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2100

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MSL
4/23/2008

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151